

**Notice of Allowability**

Application No.

09/527,188

Examiner

LaShonda T. Jacobs

Applicant(s)

GRESCHLER ET AL.

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed November 6, 2006.
2. ☒ The allowed claim(s) is/are 1 and 49-73.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
ARIO ETIENNE  
SUPERVISORY PATENT EXAMINER  
ART UNIT 2157

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Bain (Reg. No. 36,736) on January 16, 2007.

### IN THE CLAIMS

Please amend claims 1, 64, 69, and 73 as follows:

1 (Currently Amended) A method for serving executable application programs over a computer network from an application server system to a target computer having a helper application provided by the application server system, the method comprising:

- signaling the application server system with a request for an application program;
- receiving application descriptor from the application server system in response to the request;
- executing the helper application in response to the received application descriptor;
- determining, by the helper application a configuration to allow the target computer to execute the requested application program as function of the application descriptor;
- controlling, by the helper application execution of the application program on the target computer, the application program residing on the application server system, the helper

Art Unit: 2157

application implementing the configuration on the target computer, wherein portions of the application program are retrieved and executed from the application server ~~without an installation of the application program on the target computer; and~~

tracking a status of the execution of the application on the target computer; and

removing, by the helper application, the retrieved and executed portions of the application program from the target computer in response to termination of the application program on the target computer.

64. (Currently Amended) A method for serving executable application programs over a computer network from an application server system to a target computer, the method comprising:

transferring a helper application to the target computer, said helper application executing on the target computer;

receiving a request for an application program from the target computer;

sending an application descriptor to the target computer in response to the received request wherein the helper application determines a configuration to allow the target computer to execute the requested application program as a function of said application descriptor, and wherein the helper application controls execution of the application program on the target computer as the application residing on the application server system, the helper application implementing the configuration on the target computer, wherein portions of the application program are retrieved and executed on the target computer ~~without an installation of the application program on the target computer; and~~

tracking a status of the execution of the application on the target computer; and

removing, by the helper application, the retrieved and executed portions of the application program from the target computer in response to termination of the application program on the target computer.

69. (Currently Amended) An application serving system configured to operate across a computer network, the system comprising:

- an application server configured to execute computer-executable instructions for:
  - transferring a helper application to the target computer, said helper application executing on the target computer;
  - receiving a request for an application program from the target computer;
  - sending an application descriptor to the target computer in response to the received request wherein the helper application determines a configuration to allow the target computer to execute the requested application program as a function of said application descriptor, and wherein the helper application controls execution of the application program on the target computer as the application residing on the application server system, the helper application implementing the configuration on the target computer, wherein portions of the application program are retrieved and executed on the target computer ~~without an installation of the application program on the target computer; and~~
  - tracking a status of the execution of the application on the target computer; and
  - a target computer executing the helper application transferred by the application server configured to execute computer-executable instructions for:
    - signaling the application server system with a request for an application program;

Art Unit: 2157

receiving application descriptor from the application server system in response to the request;

executing the helper application in response to the received application descriptor;

determining, by the helper application a configuration to allow the target computer to execute the requested application program as function of the application descriptor;

controlling, by the helper application execution of the application program on the target computer, the application program residing on the application server system, the helper application implementing the configuration on the target computer, wherein portions of the application program are retrieved and executed from the application server ~~without an installation of the application program on the target computer; and~~

tracking a status of the execution of the application on the target computer; and

removing, by the helper application, the retrieved and executed portions of the application program from the target computer in response to termination of the application program on the target computer.

73. (Currently Amended) An application serving system configured to operate across a computer network, the system comprising:

an application server configured to execute computer-executable instructions for:

transferring a helper application to the target computer, said helper application executing on the target computer;

receiving a request for an application program from the target computer;

sending an application descriptor to the target computer in response to the received request;

sending to the helper application on the target computer a configuration to enable the target computer to execute the requested application program as a function of said application descriptor;

sending portions of the application program to the target computer in accordance with communications from the helper application as it controls execution of the application program on the target computer as configured based on the sent configuration, the application residing on the application server system, wherein the portions of the application program are transmitted for execution ~~without an installation of the application program on the target computer~~; and

tracking a status of the execution of the application on the target computer; and  
removing, by the helper application, the retrieved and executed portions of the application program from the target computer in response to termination of the application program on the target computer.

#### *Reasons for Allowance*

2. The following is an Examiner's statement of reason for allowance: the closest prior art of record (Pashupathy et al U.S. Pat. No. 6,078,951 and Atkin et al U.S. Pat. No. 5,900,871) does not teach or suggest in detail tracking a status of the execution of the application on the target computer; removing, by the helper application, the retrieved and executed portions of the application program from the target computer in response to termination of the application program on the target computer with all the elements of the independent claims as argued by Applicants (see Amendment filed on 11/6/2006, page 9-12). So as indicated by the above

Art Unit: 2157

statement, Applicants arguments have been considered persuasive, in light of the claim limitations as well as enabling portions of the specification.

3. The dependent claims further limit the independent claims and are considered allowable on the same the same basis as the independent claims as well as for the further limitations set forth.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee.

Such submissions should be clearly labeled "Comments on Statements of Reasons for Allowance."

4. Claims 1 and 49-73 are allowed.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

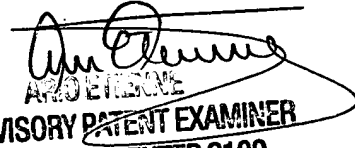
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LaShonda T Jacobs  
Examiner  
Art Unit 2157

ltj  
January 17, 2007

  
ARTO ETC  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**